

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAJOR ELEVATOR CORP,	:	17 Civ. 3427
	:	
Plaintiff,	:	STIPULATION
	:	
--against--	:	
	:	
EZQUIRE ELEVATOR, LLC, JOEL SMITH,	:	
and ANTHONY GRAVES,	:	
Defendants.	:	
	:	

The counsel for Plaintiff and Defendants having met-and-conferred in good faith agree to the following:

1. The parties will exchange automatic disclosures by October 31, 2017.
2. Plaintiff may depose the two (2) individual defendants (Joel Smith and Anthony Graves) and conduct a potential deposition of Ezquire Elevator, LLC pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure if additional issues need to be examined after the deposition of the individual defendants.
3. Defendants may depose two (2) individuals and a conduct potential deposition of Major Elevator Corporation pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure if additional issues need to be examined after the deposition of the individual defendants.
4. The parties do not expect any deposition to last more than seven hours. In addition, the parties agree to record the depositions *via* video and transcribe the depositions thereafter. The purpose of conducting the deposition in this format is to conduct them in a cost-effective formative. The parties and lawyers for the parties may not use the recorded deposition for any

purpose outside of the litigation and must seek leave of the court to use them outside of (1) summary judgment, (2) trial, or (3) subsequent appeal.

5. Plaintiff intends to use no more than one (1) expert witness.
6. Defendants intend to use no more than one (1) expert witness.
7. The parties agree to no more than ten (10) requests for admission.
8. The parties agree to complete all discovery by February 28, 2018.
9. The parties agree that they will either file summary judgment motions or pre-trial papers on or before March 31, 2018. In the event of summary judgment motions, Defendants will file by March 31, 2018, with opposition papers due three (3) weeks later and reply due two (2) weeks afterwards.
10. In the event that the parties agree that a jury must decide factual issues, the parties will file the pre-trial papers on March 31, 2018. The parties will send *via* email notification to the other party by March 15, 2018, at 4 p.m. on whether they agree to summary judgment motions or to proceed forward with trial.
11. The parties do not intend to request a protective order. The parties also agree that the video depositions may not be used for any purpose outside this litigation. The parties agree that the use of the videos outside this litigation (including appeal) may be enjoined by the Court and the parties may suffer irreparable damages if the videos are used outside the litigation (including appeal).
12. The parties currently have no discovery issues. The parties agree to exchange all text messages and emails between the parties (including agents of the companies) that are within the control of the parties by October 31, 2017, as part of the initial disclosures.
13. Defendants may file an amended answer on or before October 21, 2017.

Date: October 6, 2017

Agreed:

Austin Brown

T. Austin Brown, Esq.
Counsel for Plaintiff

Julie Solarz

Julie Solarz, Esq.
Counsel for Defendants